

CASE NO. 1:23-cv-23139-SCOLA/GOODMAN

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 1:23-cv-23139-SCOLA/GOODMAN

KRISTOFFER JON HIND, an individual,
et al.,

Plaintiffs,

v.

FXWINNING LIMITED, a Hong Kong
limited company;
CFT SOLUTIONS, LLC, a Delaware
limited liability company;
RENAN DE ROCHA GOMES BASTOS,
an individual;
RAFAEL BRITO CUTIE, an individual;
ARTHUR PERCY, an individual;
ROMAN CARDENAS, an individual; and
DAVID MERINO, an individual,

Defendants.

**PLAINTIFFS' MOTION FOR CLERK'S DEFAULT
AS TO FXWINNING LIMITED**

Plaintiffs move for entry of clerk's default under Rule 55(a) against Defendant FxWinning Limited.

FxWinning Limited, a company registered in Hong Kong, was represented by counsel and moved for dismissal in January 2024 (ECF No. 66). Thus FxWinning Limited has been served and has had actual notice of this action.

The Court FxWinning Limited's motion to dismiss in May (ECF No. 97). answers were due thereafter. However, it has been six months and FxWinning Limited has still not answered Plaintiffs' amended complaint.

Moreover, although FxWinning Limited's former counsel was permitted leave to withdraw and given a stay of activity to find new counsel, that stay expired on July 12, 2024. (ECF No. 104, 105.) Finally, FxWinning Limited has had actual notice of this action (including this filing) by operation of CM/ECF. (ECF No. 105.)

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Accordingly, there is no reason for these FxWinning Limited not to have answered Plaintiffs' complaint, and under Fed. R. Civ. P. 55(a), the Clerk must enter its default on the docket.

LOCAL RULE 7.1(A)(3) CERTIFICATE

Under Loc. R. 7.1(a)(3), undersigned counsel hereby certifies that counsel for the Plaintiffs has made reasonable efforts to confer with party FxWinning Limited, but because FxWinning is not an individual person, but rather an unrepresented corporation, counsel has been unable to do so.

Dated: December 18, 2024

/s/ Bradley B. Rounsaville
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